

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

*In re Flint Water Cases 16-10444*

/      The Hon. Judith E. Levy  
United States District Judge

*Bellwether III Case No. 17-10164*

/

**NOTICE OF OBJECTION  
TO DESIGNATIONS OF PROTECTED MATERIAL**

Pursuant to the Court’s December 19, 2019 Confidentiality Order [Case No. 16-cv-10444, ECF No. 299],<sup>1</sup> Plaintiffs challenge the designations of the following documents previously produced by the Veolia Defendants (“Veolia”), each of which has been designated CONFIDENTIAL or HIGHLY CONFIDENTIAL – FOR ATTORNEYS’ EYES ONLY:

1. VWNAOS512372-VWNAOS512372.0003
2. VWNAOS528216-VWNAOS528216.0002
3. VWNAOS527919-VWNAOS527919.0001
4. VWNAOS512374-VWNAOS512374.0004
5. VWNAOS282218-VWNAOS282218.0017
6. VWNAOS550142-VWNAOS550142.0003

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<sup>1</sup>See also Fifth Amended Case Management Order [Case No. 16-cv-10444, ECF No. 1255-3].

7. VWNAOS545022-VWNAOS545022.0002
8. VWNAOS528566-VWNAOS528566.0004
9. VWNAOS553415-VWNAOS553415.0004
10. VWNAOS511445-VWNAOS511445.0016
11. VWNAOS528317-VWNAOS528317.0004
12. VWNAOS511021-VWNAOS511021.0012
13. VWNAOS512364-VWNAOS512364.0013
14. VWNAOS553565-VWNAOS553565.0002
15. VWNAOS528546-VWNAOS528546.0002
16. VWNAOS528307-VWNAOS528307.0008
17. VWNAOS510979-VWNAOS510979.0010
18. VWNAOS544781-VWNAOS544781.0001
19. VWNAOS528160-VWNAOS528160.0027
20. VWNAOS527000-VWNAOS527000.0001
21. VWNAOS550112-VWNAOS550112.0001
22. VWNAOS527022-VWNAOS527022.0004
23. VWNAOS511443-VWNAOS511443.0015
24. VWNAOS511862-VWNAOS511862.0016
25. VWNAOS511765-VWNAOS511765.0020
26. VWNAOS512839-VWNAOS512839.0026

27.VWNAOS527041-VWNAOS527041.0003  
28.VWNAOS528211-VWNAOS528211.0015  
29.VWNAOS528547-VWNAOS528547.0040  
30.VWNAOS313158-VWNAOS313158.0018  
31.VWNAOS553132-VWNAOS553132.0001  
32.VWNAOS527052-VWNAOS527052.0002  
33.VWNAOS528162-VWNAOS528162.0004  
34.VWNAOS511277-VWNAOS511277.0011  
35.VWNAOS511429-VWNAOS511429.0008  
36.VWNAOS550079-VWNAOS550079.0008  
37.VWNAOS312086-VWNAOS312086.0014  
38.VWNAOS511744-VWNAOS511744.0009  
39.VWNAOS512889-VWNAOS512889.0018  
40.VWNAOS527051-VWNAOS527051.0020  
41.VWNAOS550154-VWNAOS550154.0001  
42.VWNAOS312047-VWNAOS312047.0017  
43.VWNAOS511431-VWNAOS511431.0034  
44.VWNAOS527062-VWNAOS527062.0004  
45.VWNAOS511433-VWNAOS511433.0009  
46.VWNAOS528152-VWNAOS528152.0001

47.VWNAOS511624-VWNAOS511624.0013

48.VWNAOS527066-VWNAOS527066.0017

49.VWNAOS512942-VWNAOS512942.0020

50.VWNAOS550029-VWNAOS550029.0002

Plaintiffs informed Veolia of their formal challenge to these designations on September 29, 2023 via email.<sup>2</sup>

Veolia has not acknowledged the correspondence.

Plaintiffs further challenge the designations of the following documents previously produced by the Veolia Defendants (“Veolia”), each of which has been designated CONFIDENTIAL or HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY:

1. VWNAOS512369-VWNAOS512369.0019
2. VWNAOS528573-VWNAOS528573.0010
3. VWNAOS550144-VWNAOS550144.0001
4. VWNAOS512843-VWNAOS512843.0010
5. VWNAOS527071-VWNAOS527071.0001
6. VWNAOS537242-VWNAOS537242.0001
7. VWNAOS544981-VWNAOS544981.0002

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<sup>2</sup> September 29, 2023 correspondence to Veolia (Challenge to Confidentiality Designations), attached hereto as **Exhibit A** and incorporated by reference as if fully stated herein.

8. VWNAOS550151-VWNAOS550151.0002
9. VWNAOS527082-VWNAOS527082.0017
10. VWNAOS537466-VWNAOS537466.0001
11. VWNAOS545973-VWNAOS545973.0002
12. VWNAOS553644-VWNAOS553644.0022
13. VWNAOS512932-VWNAOS512932.0018
14. VWNAOS511503-VWNAOS511503.0013
15. VWNAOS527086-VWNAOS527086.0012
16. VWNAOS528074-VWNAOS528074.0006
17. VWNAOS512339-VWNAOS512339.0026
18. VWNAOS550012-VWNAOS550012.0001
19. VWNAOS531825-VWNAOS531825.0001
20. VWNAOS528599-VWNAOS528599.0002
21. VWNAOS527081-VWNAOS527081.0002
22. VWNAOS550141-VWNAOS550141.0003
23. VWNAOS333484-VWNAOS333484.0005
24. VWNAOS512922-VWNAOS512922.0016
25. VWNAOS527070-VWNAOS527070.0012
26. VWNAOS550124-VWNAOS550124.0001
27. VWNAOS513047-VWNAOS513047.0024

28.VWNAOS513069-VWNAOS513069.0001  
29.VWNAOS527091-VWNAOS527091.0001  
30.VWNAOS513124-VWNAOS513124.0017  
31.VWNAOS510976-VWNAOS510976.0010  
32.VWNAOS513006-VWNAOS513006.0012  
33.VWNAOS528763-VWNAOS528763.0001  
34.VWNAOS249160-VWNAOS249160.0029  
35.VWNAOS550114-VWNAOS550114.0001  
36.VWNAOS249915-VWNAOS249915.0019  
37.VWNAOS193661-VWNAOS193661.0047  
38.VWNAOS528166-VWNAOS528166.0002  
39.VWNAOS249164-VWNAOS249164.0016  
40.VWNAOS528713-VWNAOS528713.0002  
41.VWNAOS550111-VWNAOS550111.0001  
42.VWNAOS365214-VWNAOS365214.0005  
43.VWNAOS528382-VWNAOS528382.0001  
44.VWNAOS549987-VWNAOS549987.0001  
45.VWNAOS528688-VWNAOS528688.0021  
46.VWNAOS249912-VWNAOS249912.0037  
47.VWNAOS527905-VWNAOS527905.0002

48.VWNAOS544980-VWNAOS544980.0001

49.VWNAOS511618-VWNAOS511618.0013

50.VWNAOS512925-VWNAOS512925.0016

Plaintiffs informed Veolia of their formal challenge to these designations on October 4, 2023 via email.<sup>3</sup>

Veolia has not acknowledged the correspondence.

Plaintiffs further challenge the designations of the following documents previously produced by the Veolia Defendants (“Veolia”), each of which has been designated CONFIDENTIAL or HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY:

1. VWNAOS528146-VWNAOS528146.0004
2. VWNAOS510926-VWNAOS510926.0010
3. VWNAOS512936-VWNAOS512936.0015
4. VWNAOS550148-VWNAOS550148.0001
5. VWNAOS513010-VWNAOS513010.0026
6. VWNAOS249922-VWNAOS249922.0023
7. VWNAOS527915-VWNAOS527915.0006
8. VWNAOS511026-VWNAOS511026.0011

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<sup>3</sup> October 4, 2023 correspondence to Veolia (Challenge to Confidentiality Designations), attached hereto as **Exhibit B** and incorporated by reference as if fully stated herein.

9. VWNAOS527034-VWNAOS527034.0009  
10. VWNAOS249919-VWNAOS249919.0023  
11. VWNAOS537778-VWNAOS537778.0001  
12. VWNAOS553658-VWNAOS553658.0001  
13. VWNAOS528714-VWNAOS528714.0001  
14. VWNAOS511321-VWNAOS511321.0001  
15. VWNAOS545015-VWNAOS545015.0008  
16. VWNAOS512994-VWNAOS512994.0012  
17. VWNAOS550078-VWNAOS550078.0003  
18. VWNAOS525301-VWNAOS525301.0006  
19. VWNAOS527084-VWNAOS527084.0001  
20. VWNAOS528690-VWNAOS528690.0014  
21. VWNAOS528765-VWNAOS528765.0002  
22. VWNAOS249917-VWNAOS249917.0032  
23. VWNAOS312044-VWNAOS312044.0027  
24. VWNAOS312075-VWNAOS312075.0044  
25. VWNAOS528681-VWNAOS528681.0021  
26. VWNAOS512852-VWNAOS512852.0019  
27. VWNAOS528388-VWNAOS528388.0005  
28. VWNAOS312055-VWNAOS312055.0020

29.VWNAOS528671-VWNAOS528671.0020  
30.VWNAOS333693-VWNAOS333693.0001  
31.VWNAOS319859-VWNAOS319859.0001  
32.VWNAOS528378-VWNAOS528378.0001  
33.VWNAOS528746-VWNAOS528746.0004  
34.VWNAOS528368-VWNAOS528368.0004  
35.VWNAOS528324-VWNAOS528324.0013  
36.VWNAOS528304-VWNAOS528304.0003  
37.VWNAOS528290-VWNAOS528290.0008  
38.VWNAOS528284-VWNAOS528284.0001  
39.VWNAOS513378-VWNAOS513378.0031  
40.VWNAOS528177-VWNAOS528177.0013  
41.VWNAOS513024-VWNAOS513024.0018  
42.VWNAOS511035-VWNAOS511035.0011  
43.VWNAOS528675-VWNAOS528675.0016  
44.VWNAOS528205-VWNAOS528205.0025  
45.VWNAOS511697-VWNAOS511697.0018  
46.VWNAOS528167-VWNAOS528167.0013  
47.VWNAOS528712-VWNAOS528712.0001  
48.VWNAOS528625-VWNAOS528625.0004

49.VWNAOS332056-VWNAOS332056.0005

50.VWNAOS528147-VWNAOS528147.0004

Plaintiffs informed Veolia of their formal challenge to these designations on October 20, 2023 via email.<sup>4</sup>

Veolia has not acknowledged the correspondence.

Plaintiffs further challenge the designations of the following documents previously produced by the Veolia Defendants (“Veolia”), each of which has been designated CONFIDENTIAL or HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY:

1. VWNAOS545026-VWNAOS545026.0002
2. VWNAOS545006-VWNAOS545006.0002
3. VWNAOS249169-VWNAOS249169.0016
4. VWNAOS510922-VWNAOS510922.0010
5. VWNAOS528117-VWNAOS528117.0001
6. VWNAOS510902-VWNAOS510902.0014
7. VWNAOS528606-VWNAOS528606.0001
8. VWNAOS528590-VWNAOS528590.0002
9. VWNAOS510973-VWNAOS510973.0010

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<sup>4</sup> October 20, 2023 correspondence to Veolia (Challenge to Confidentiality Designations), attached hereto as **Exhibit C** and incorporated by reference as if fully stated herein

10.VWNAOS553650-VWNAOS553650.0002  
11.VWNAOS510923-VWNAOS510923.0014  
12.VWNAOS554089-VWNAOS554089.0003  
13.VWNAOS528560-VWNAOS528560.0001  
14.VWNAOS528309-VWNAOS528309.0001  
15.VWNAOS512807-VWNAOS512807.0018  
16.VWNAOS512837-VWNAOS512837.0029  
17.VWNAOS528310-VWNAOS528310.0032  
18.VWNAOS511621-VWNAOS511621.0016  
19.VWNAOS528300-VWNAOS528300.0012  
20.VWNAOS511450-VWNAOS511450.0020  
21.VWNAOS537537-VWNAOS537537.0001  
22.VWNAOS511426-VWNAOS511426.0008  
23.VWNAOS528323-VWNAOS528323.0002  
24.VWNAOS554796-VWNAOS554796.0004  
25.VWNAOS527049-VWNAOS527049.0005  
26.VWNAOS528303-VWNAOS528303.0013  
27.VWNAOS527069-VWNAOS527069.0001  
28.VWNAOS395017-VWNAOS395017.0018  
29.VWNAOS527079-VWNAOS527079.0004

30.VWNAOS553563-VWNAOS553563.0002  
31.VWNAOS527089-VWNAOS527089.0008  
32.VWNAOS511521-VWNAOS511521.0016  
33.VWNAOS528585-VWNAOS528585.0001  
34.VWNAOS528151-VWNAOS528151.0012  
35.VWNAOS511032-VWNAOS511032.0011  
36.VWNAOS528299-VWNAOS528299.0016  
37.VWNAOS528555-VWNAOS528555.0013  
38.VWNAOS510901-VWNAOS510901.0010  
39.VWNAOS528545-VWNAOS528545.0019  
40.VWNAOS528279-VWNAOS528279.0004  
41.VWNAOS528219-VWNAOS528219.0016  
42.VWNAOS528594-VWNAOS528594.0002  
43.VWNAOS528209-VWNAOS528209.0010  
44.VWNAOS512848-VWNAOS512848.0018  
45.VWNAOS528371-VWNAOS528371.0002  
46.VWNAOS513068-VWNAOS513068.0001  
47.VWNAOS528564-VWNAOS528564.0042  
48.VWNAOS526987-VWNAOS526987.0009  
49.VWNAOS312153-VWNAOS312153.0016

50.VWNAOS511512-VWNAOS511512.0013

Plaintiffs informed Veolia of their formal challenge to these designations on November 2, 2023 via email.<sup>5</sup>

Veolia has not acknowledged the correspondence.

Plaintiffs further challenge the designations of the following documents previously produced by the Veolia Defendants (“Veolia”), each of which has been designated CONFIDENTIAL or HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY:

1. VWNAOS513008-VWNAOS513008.0014
2. VWNAOS312143-VWNAOS312143.0041
3. VWNAOS528554-VWNAOS528554.0001
4. VWNAOS513038-VWNAOS513038.0018
5. VWNAOS528301-VWNAOS528301.0001
6. VWNAOS512977-VWNAOS512977.0027
7. VWNAOS545313-VWNAOS545313.0001
8. VWNAOS528692-VWNAOS528692.0021
9. VWNAOS540542-VWNAOS540542.0001
10. VWNAOS511018-VWNAOS511018.0007

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<sup>5</sup> November 2, 2023 correspondence to Veolia (Challenge to Confidentiality Designations), attached hereto as **Exhibit D** and incorporated by reference as if fully stated herein

- 11.VWNAOS528154-VWNAOS528154.0012
- 12.VWNAOS527067-VWNAOS527067.0012
- 13.VWNAOS512885-VWNAOS512885.0019
- 14.VWNAOS513052-VWNAOS513052.0023
- 15.VWNAOS527087-VWNAOS527087.0001
- 16.VWNAOS538319-VWNAOS538319.0002
- 17.VWNAOS528104-VWNAOS528104.0001
- 18.VWNAOS544982-VWNAOS544982.0003
- 19.VWNAOS545011-VWNAOS545011.0013
- 20.VWNAOS553137-VWNAOS553137.0002
- 21.VWNAOS512928-VWNAOS512928.0016
- 22.VWNAOS528061-VWNAOS528061.0038
- 23.VWNAOS528169-VWNAOS528169.0029
- 24.VWNAOS512988-VWNAOS512988.0014
- 25.VWNAOS528021-VWNAOS528021.0003
- 26.VWNAOS511022-VWNAOS511022.0011
- 27.VWNAOS528159-VWNAOS528159.0001
- 28.VWNAOS528562-VWNAOS528562.0003
- 29.VWNAOS526996-VWNAOS526996.0009
- 30.VWNAOS527920-VWNAOS527920.0002

31.VWNAOS528149-VWNAOS528149.0002  
32.VWNAOS527083-VWNAOS527083.0012  
33.VWNAOS511447-VWNAOS511447.0016  
34.VWNAOS528109-VWNAOS528109.0006  
35.VWNAOS527093-VWNAOS527093.0001  
36.VWNAOS531833-VWNAOS531833.0010  
37.VWNAOS528408-VWNAOS528408.0002  
38.VWNAOS553605-VWNAOS553605.0001  
39.VWNAOS527916-VWNAOS527916.0003  
40.VWNAOS553625-VWNAOS553625.0001  
41.VWNAOS536531-VWNAOS536531.0001  
42.VWNAOS553652-VWNAOS553652.0003  
43.VWNAOS311337-VWNAOS311337.0001  
44.VWNAOS528416-VWNAOS528416.0003  
45.VWNAOS511965-VWNAOS511965.0023  
46.VWNAOS553566-VWNAOS553566.0002  
47.VWNAOS528325-VWNAOS528325.0003  
48.VWNAOS531828-VWNAOS531828.0004  
49.VWNAOS528592-VWNAOS528592.0002  
50.VWNAOS528305-VWNAOS528305.0001

Plaintiffs informed Veolia of their formal challenge to these designations on November 8, 2023 via email.<sup>6</sup>

Veolia has not acknowledged the correspondence.

The subject documents do not contain confidential information under applicable law or pursuant to this Court's prior orders. Thus, because there is a profound public interest in the Flint Water Crisis and in this litigation (as Veolia and the Court have consistently stated); because the truth matters (as Veolia has vigorously and publicly argued);<sup>7</sup> and in light of Veolia's significant public presence online and Veolia's continued public misinformation campaign,<sup>8</sup> these documents must be de-designated as CONFIDENTIAL. Further, if any are made public, such would not cause oppression, competitive disadvantage, infringement of privacy rights established by statute or regulation, or infringement of confidentiality requirements established by statute or regulation with respect to government purchasing or other operations. Conversely, and perhaps most importantly, doing so might begin to level the playing field.

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<sup>6</sup> November 8, 2023 correspondence to Veolia (Challenge to Confidentiality Designations), attached hereto as **Exhibit E** and incorporated by reference as if fully stated herein

<sup>7</sup> See @VNAFlintFacts: Description of Twitter handle, attached hereto as **Exhibit F** and incorporated by reference as if fully stated herein.

<sup>8</sup> See Declaration of Lauren H. Cohen, Ph.D., previously filed in Case No. 16-cv-10444 [ECF No. 2550], attached hereto as **Exhibit G** and incorporated by reference as if fully stated herein.

Dated: November 25, 2023

Respectfully submitted,

/s/ Corey M. Stern

Corey M. Stern

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**CERTIFICATE OF SERVICE**

I, Corey Stern, hereby certify that on November 25, 2023 the foregoing document and the attached exhibits were served on all counsel of record via the court's ECF system.

/s/ Corey M. Stern  
Corey M. Stern